

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

*John  
Special file*

~~SECRET/RODS~~

March 19, 1969

MEMORANDUM FOR THE PRESIDENT

From: Henry A. Kissinger *HK*  
Subject: Memorandum of Conversation with Ambassador Dobrynin,  
March 11, 1969

Dobrynin called me about 7:00 p.m. to ask whether I could see him that evening or the next morning. I agreed to drop by the Soviet Embassy about 9:00 p.m. Dobrynin was extremely cordial. He met me together with Mrs. Dobrynin and, after some social conversation about their daughter, they both mentioned that Mrs. Dobrynin was hoping to call on Mrs. Nixon soon.

Dobrynin then handed me a brief message from Kosygin to the President acknowledging his good wishes on his birthday. He also handed me a copy of a note which the Soviet Union proposed to hand to the Germans the next day, designed to meet some of the German concerns about the NPT. Dobrynin said that the note had been influenced by some of our suggestions and was given to us simply for our information and as a token of their good faith. (An analysis of the note is attached at Tab A.)

[Omitted here is material on other issues.]

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SUBJECT: FRG-Soviet Exchanges on NPT

The texts of the Soviet memorandum to the FRG of February 6 and the FRG's amendments to that memorandum of February 24 are at Tab 1. The Germans had given us their amendments before conveying them to Tsarapkin and subsequently made a formal presentation of the text to the Department on February 27.

You will note from the Soviet rejoinder at Tab 2 that there are in it some four changes as compared to the Soviet text of February 6. They are marked and numbered in red, 1 through 4.

The Soviet changes

As a whole, the Soviet changes go some slight way toward meeting the rather far-reaching German propositions of February 24.

-- change #1 appears to be rhetorical and does nothing for the Germans;

-- change #2 uses the words "enjoy in full measure" in place of the previous "could make use of" the rights flowing from the NPT. Allowing for possible variations in translation, the new formulation gives the Germans somewhat more fullsome recognition of their rights.

-- change #3 falls short of the FRG's explicit reference to rights "and positions" in the field of peaceful uses of atomic energy; but it gives them assurance that rights inherent in "all provisions" of the NPT will be enjoyed by the FRG. It is thus a step in the FRG's direction.

-- change #4 ignores the German request that the Soviets acknowledge the applicability of the three power declaration of intent in support of UN Resolution 255 (on assurances) to non-nuclear signatories in case of threat or attack with nuclear weapons on them; instead it now tells the Germans that Resolution 255 neither gives them special rights nor discriminates against them. The non-discrimination assurance goes some way toward the German position, although it does not, as requested by the Germans, go so far as to acknowledge the

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applicability of Article 2 of the Charter to the FRG. (The Germans hit upon this device as a means of getting the Soviets to renounce, in exchange for German signature of the NPT, their claimed rights of intervention under Articles 53 and 107 of the Charter.)

#### Next Steps

The question now is whether Kiesinger regards these Soviet changes as sufficient to convince enough of the NPT's detractors in the CDU/CSU that he has succeeded in getting Soviet claims under 53 and 107 overridden. He will make some converts, but holdouts will remain.

In any event, probably we should not take any steps with the Soviets until it is clear how Kiesinger assesses the new Soviet language and whether he considers it politically necessary to try another round of bargaining.

The German Foreign Office had a fall-back position for the event of a Soviet rejection of the maximum demands made to them on February 24. This would involve a formulation calling for the applicability of Article 2 in the NPT context only, rather than for Soviet relations with the FRG as a whole. Such a fall-back might entail the drawback that it could be construed as conceding the non-applicability of Article 2 in matters other than the NPT.

We should not give the Germans any advice one way or the other at this stage since the matter is wholly one of internal German politics. (Nothing the Soviets say will objectively add to or detract from German security.) If Kiesinger feels that another round is required, we should not stand in his way; if he then asks us to speak to the Soviets we should do so. But we should not do or say anything that gives the Germans reason to allege that we approve of their non-signature in the event there is no further give in the Soviet position.

#### Soviet Calculations

The Soviets apparently very much want a German signature. The Germans could probably squeeze a few more words out of them. But Moscow is probably nearing the end of its flexibility; the Soviets would not regard German refusal to sign as an unmitigated disaster since they could exploit it propagandistically, and use it against the FRG in Eastern Europe and to fish in German electoral waters.

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Beyond the election, the matter becomes more speculative and complex. The Soviets might calculate that a Social Democratic (SPD)/Free Democratic (FDP) coalition would sign on the terms as they now stand; but they cannot of course be sure of the outcome of the election. They might try to influence the outcome in favor of the SPD, but this is highly tricky and unpredictable business for them. If they find themselves facing a CDU government -- with increased power for Strauss -- it is conceivable that they might make the concessions they are now unwilling to grant the Grand Coalition. But this is far down the road -- much farther than the Soviet bureaucracy has yet played through the game.

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Tsarapkin Statement of February 6, 1969

The non-proliferation treaty which has been signed already by more than eighty states plays an important part in the efforts of the governments and the peoples with respect to the strengthening of peace and the prevention of a nuclear war. The entry into force of this treaty will, without any doubt, contribute to achieve progress in the field of disarmament and to contain the arms race. A signing and ratification of the treaty as speedily as possible on the part of the Federal Republic of Germany would have a positive effect on the situation in Europe and on the development of the relations between the states of this region.

The Soviet Government proceeds, of course, from the fact that the Federal Republic of Germany as a party to the NPT could make use of the rights which flow from the treaty equally for all signatory non nuclear states. The Resolution of the Security Council of the United Nations No. 255 would also apply to the Federal Republic as a party to the treaty.

German Revisions\* of Soviet Statement given Tsarapkin by Duckwitz, Feb. 24, 1969

The Soviet Government proceeds, of course, from the fact that the Federal Republic of Germany as a party to the NPT could make full use of the rights and positions, especially in the field of peaceful uses of atomic energy which flow from the treaty equally for all signatory non-nuclear states and that the treaty will be applied in the same manner to all signatories.

Regardless of the fact that no peace treaty has yet been concluded, the Soviet Union declares that in its relations with the Federal Republic of Germany the principles of Article 2, paragraphs 3 and 4, of the UN Charter apply without reservation or restriction.

The Resolution of the Security Council of the United Nations. No. 255 and the declarations of intent of the three nuclear weapons states in support of it, would also apply in an unrestricted manner to the Federal Republic as a party to the treaty.

\*First para. of Soviet statement not affected by FRG amendments.

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In connection with the Memorandum which was handed by State-Secretary Dukwits to Ambassador Tsarapkin on February 24, 1969, the Soviet side would like to state the following.

The Soviet side already gave on February 6 a comprehensive reply to the questions of interest to the West German side. As it was pointed out, the Soviet Union proceeds from the fact that as a party to the Treaty on nonproliferation of nuclear weapons the Federal Republic of Germany would <sup>①</sup> together with <sup>②</sup> the obligations taken on itself, enjoy in full measure the rights provided for in the Treaty equally to all non-nuclear states signatures to the Treaty. This <sup>③</sup> naturally concerns all the provisions contained in the nonproliferation Treaty.

While working out the Treaty and the Security Council Resolution No. 255 no additional provisions were formulated concerning some individual states, the Federal Republic of Germany included, which would <sup>④</sup> give them some special rights or, to the contrary, would place them in position of discrimination.